IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1954 OF 2007

WITH

APPEAL (L) NO.498 OF 2007
IN
SUIT NO.422 OF 1987

The Peerless General Finance & Investments Co. Ltd. ...Appellant
V/s.
Kanhayalal Laxmilal Jain & Ors. ...Respondents

Mr.S.U. Kamdar, Advocate, i/b. Ashwin Ankhad & Assoc., for the Appellant.
Ms.Rachana Kasuri, Advocate, i/b. M/s.Banatwala & Co., for Respondent No.1.

CORAM : J.N. PATEL &
A.A. SAYED, JJ.

DATE : 15TH JUNE, 2007.

P.C. :

1. Affidavit is filed in support of Notice of Motion. For the reasons stated in the affidavit for condonation of delay, we are inclined to condone the delay but subject to payment of costs. On the Appellant paying costs of Rs.5,000/- to Respondent No.1 within a period of two weeks from today, the Notice of Motion would be made absolute.

2. By consent, Appeal is taken up for admission.

Heard. Admit. Rule on interim relief.

3. The learned Counsel for the Appellant states that the Appellant would deposit the decretal amount with costs in this Court within a period of one week from today. On such amount being deposited, the attachment would stand vacated.

4. The learned Counsel for the Respondent seeks time to file affidavit-in-reply. It is submitted that in execution, the property is already attached. It is further submitted that the matter be kept after two weeks as the Respondents would file their affidavit-in-reply within a week’s time and furnish copy of the same to the Appellant.

5. In the meantime, parties would maintain status-quo in so far as it relates to execution of the impugned judgment and order.

6. S.O. for two weeks.

[J.N. PATEL, J.]

[A.A. SAYED, J.]